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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7300 OF 2003

Shri Somnath Tulshiram Galande ... Petitioner

V/s

1. The Presiding Officer,
II Labour Court, Pune; & ors. ... Respondents

Shri Somnath Tulshiram Galande, petitioner present in person.

Mr. P.K. Rele, Sr. Advocate with Mr. Rajesh Rele, Mr. V.N. Tayade and Mr. Piyush Shah for respondent Nos. 2A, 2B, 2F, 2G, 3 and 4.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 13TH AUGUST, 2007.

P.C.:

1. The petitioner has challenged the Award Part-I passed by the Labour Court in Reference (IDA) No. 537 of 1997. By this award, the Labour Court has held that the petitioner is not a workman as defined under Section 2(s) of the Industrial Disputes Act. A perusal of the award indicates that the Labour Court, on the basis of the evidence on record has held that the work of the petitioner was supervisory in nature and that he was, therefore, not a workman as defined under Section 2(s) of the Industrial Disputes Act.

2. According to the petitioner, who appears in person, the findings of the Labour Court are contrary to the evidence on record. I have perused the evidence on record and I find that the findings of the Labour Court are consistent with the evidence before it.

3. In para 7 of the Award of the Labour Court, certain admissions of the workman have been reproduced as follows:-

> "I was given the appointment as a quality Assurance incharge. It is true that as a Quality Assurance Incharge, I was given appointment letter dated 25.4.1994. Original is shown to me marked Exh.29. I have received and accepted the appointment letter. I was given confirmation letter. The confirmation letter is accepted and received by me. Original is shown to me marked Ex.30."

4. The Labour Court, in para 19 of its Award, has also held that the work of the petitioner did not fall within the definition of Section 2(s) of the I.D. Act. In para 20, the Labour Court has considered the fact that the petitioner has admitted that he had applied for the post of Works Manager with the respondent but was

appointed as a Quality Assurance In-charge. It has also considered various documents on record and found that the petitioner had a right to call for quotations. It may be that merely calling for quotations would not oust the petitioner from the definition of "workman". However, he has also stated that he had the right to accept or reject the products. Besides this, the petitioner has admitted that he had signed leave applications of some of the workmen and had sanctioned or recommended the leave of others.

4. Thus, the Labour Court has for cogent reasons held, that the petitioner is not a workman. These are findings of fact which need not be interfered with under the writ jurisdiction of this Court. There is no perversity in the conclusions drawn by the Labour Court.

5. Petition rejected.

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